

EXHIBIT "C"

EDWARD H. KUBO, JR. #2499
United States Attorney
District of Hawaii

THOMAS A. HELPER #5676
EDRIC M. CHING #6697
Assistant U.S. Attorneys
Room 6-100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850-6100
Telephone: (808) 541-2850
Facsimile: (808) 541-3752
E-mail: edric.ching@usdoj.gov
E-mail: tom.helper@usdoj.gov

Attorneys for Defendant
United States of America

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAY 16 2005
at 2 o'clock and 15 min. M.
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RONALD L. OBREY, JR.,)	CIVIL NO. 02-00033 MLR LEK
)	
Plaintiff,)	DEFENDANT'S FIRST AMENDED
)	FINAL WITNESS LIST;
vs.)	CERTIFICATE OF SERVICE
)	
HANSFORD T. JOHNSON, in his)	TRIAL: JUNE 6, 2005
capacity as Acting Secretary)	TIME: 9:00 A.M.
of the Navy,)	JUDGE: HON. MANUEL L. REAL
)	
Defendant.)	
)	

DEFENDANT'S FIRST AMENDED FINAL WITNESS LIST

Comes now Defendant, HANSFORD T. JOHNSON, by and through his undersigned counsel, and hereby makes his First Amended Final Witness List.

A. Lay Witnesses

1. Colleen A. Martineau will testify about the selection process of the selection panel for the Production Resources Manager position, GS-1601-15, Code 900 ("GS-15 position").

Estimated time of direct testimony: 1 hour

2. Tetsu Omaye will testify about his participation on the selection panel for the GS-15 position. If Frank Pestana or George Tai See are allowed to testify by the Court, Mr. Omaye will testify about his participation on the selection panel for the Selected Restricted Availability Program Manager, GS-14/15 ("SRA Program Manager") position.

Estimated time of direct testimony: 1 hour as to the GS-15 position. If Mr. Omaye testifies as to the SRA Program Manager position, estimated time of direct testimony is 2 to 3 hours.

3. Captain Jeffrey Conners (USN, Ret.) will give background information related to the GS-15 position, testify about the selection process used for the GS-15 position and his involvement in the selection process. If Frank Pestana or George Tai See are allowed to testify by the Court, Captain Conners will testify about his participation in the selection of the SRA Program Manager position. If Michael Kawachi is allowed to testify, Captain Conners will testify as to his role as the selecting officer in the selection of the Quality Assurance Director, GS-15 ("Quality Assurance") and the corresponding selection process.

Estimated time of direct testimony: 2 hours. If Frank Pestana, George Tai See and/or Michael Kawachi are allowed to

testify, estimated time of direct testimony: 4 to 5 hours.

4. Captain John A. Edwards (USN, retired) will testify as to the selection of David Reilly for the GS-15 position.

If Michael Kawachi is allowed to testify, Captain Edwards will testify as to his role as the selecting officer in the selection of the Supervisory Interdisciplinary Engineer, GS-15 position ("Supervisory Engineer") and the corresponding selection process.

Estimated time of direct testimony: 2 hours. If Mr. Kawachi is allowed to testify, expected time of direct testimony: 3 to 4 hours.

5. Captain Daniel E. Ries will testify as to the certification process involved in the GS-15 position.

Estimated time of direct testimony: 1 hour

6. Commander Francis J. Camelio will testify about his participation on the selection panel for the GS-15 position. If Frank Pestana and George Tai See are allowed to testify, Commander Camelio will testify as to his role as the selecting officer for the SRA Program Manager position and the corresponding selection process.

Estimated time of direct testimony: 1 hour. If Frank Pestana and George Tai See are allowed to testify, the estimated time of direct testimony is 3 to 4 hours.

7. Robert S. Masumoto will testify about his participation

on the selection panel for the GS-15 position. If Michael Kawachi is allowed to testify, Mr. Masumoto will testify as to his role on the selection panel for the Quality Assurance position.

Estimated time of direct testimony: 1 hour. If Michael Kawachi is allowed to testify, the estimated time of direct testimony is 3 to 4 hours.

8. Robert F. Pierce will testify about his participation on the selection panel for the GS-15 position. If Frank Pestana or George Tai See are allowed to testify by the Court, Mr. Pierce will testify about his participation on the selection panel for the SRA Program Manager position.

Estimated time of direct testimony: 1 hour. If Frank Pestana or George Tai See are allowed to testify, the estimated time of direct testimony is 2 to 3 hours.

9. David Stock will testify as to his role on the selection panel for the SRA Program Manager position if Frank Pestana and/or George Tai See are allowed to testify.

Estimated time of direct testimony: 1 hour

10. Melvin Sasaki will testify as to his role on the selection panel for the Quality Assurance position if Mr. Kawachi is allowed by the Court to testify.

Estimated time of direct testimony: 1 hour

11. Gregory Crowell will testify as to his role on the

selection panel for the Quality Assurance position if Mr. Kawachi is allowed by the Court to testify.

Estimated time of direct testimony: 1 hour

12. Admiral William R. Klemm will testify to the selection process for the GS-15 position.

Estimated time of direct testimony: 1/2 hour

13. William H. Ryzewic will testify to the selection process for the GS-15 position and the work history of the Pearl Harbor Naval Shipyard.

Estimated time of direct testimony: 1 hour

14. Admiral G.P. Nanos will testify to the work history of the naval shipyards and to his support for a hiring practice that looked to all naval shipyards to find the most qualified applicant.

Estimated time of direct testimony: 1 hour

15. Bernard Clark will testify to work history of the naval ship yards and the hiring process used at the Pearl Harbor Naval Shipyard.

Estimated time of direct testimony: 1 hour

16. Wayne Matsukawa, of the Pearl Harbor Human Resources Servicing Center, will testify to the history of the certification process for the GS-15 position from April 2000 to September 2001, the advertising and certification of the applicants for the GS-15 position, particularly about the ranking

of the candidates by his office.

If Frank Pestana, George Tai See and Michael Kawachi are allowed to testify by the Court, Mr. Matsukawa will testify to the history of the certification process for the Quality Assurance and SRA Program Manager positions, the advertising and certification of the applicants for the Quality Assurance and SRA Program Manager positions and particularly about the ranking of the candidates by his office.

Estimated time of direct testimony: 2 hours

17. Gail Asano, of the Pearl Harbor Human Resources Servicing Center, will testify to the history of the certification process for the GS-15 position from April 2000 to September 2001.

Estimated time of direct testimony: 2 hours

18. Bernadette Smith, Program Analyst with the Pearl Harbor Naval Shipyard, will testify to the certification process for applicants for the GS-15 position.

Estimated time of direct testimony: 1 hour

19. James Schubert, counsel for the Pearl Harbor Naval Shipyard, will testify for the limited purpose of providing a foundation to charts produced to Plaintiff in discovery regarding persons hired for senior management positions and their races and concerning a chart of Plaintiff's leave history.

Estimated time of direct testimony: 1/2 hour

20. Deborah Seagal and/or another records custodian, yet to be identified, may be used testify to the maintenance of business records at the Pearl Harbor Naval Shipyard, the Navy Complaints Administration and Review Division and the Equal Employment Opportunity Commission in the event it is necessary.

Estimated time of direct testimony: 1 hour.

B. Expert Witness

1. Gary Skoog, Ph.D., Defendant's retained expert, will testify as to his statistical analysis of hiring data at the Pearl Harbor Shipyard and also to the opinions and methodology utilized by Plaintiff's expert, James Danemiller.


Estimated time of direct testimony: 3 hours.

Defendant reserves the right to call witnesses previously named or referenced in any parties' Initial Disclosure(s), Final Pretrial Statement(s) and any other appropriate pleading previously filed in this matter. Defendant also reserves the right to call rebuttal witnesses not previously named.

DATED: May 16, 2005 at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By


EDRIC M. CHING
THOMAS A. HELPER
Assistant U.S. Attorneys

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RONALD L. OBREY, JR.,)	CIVIL NO. 02-00033 MLR LEK
)	
Plaintiff,)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
HANSFORD T. JOHNSON, in his)	
capacity as Acting Secretary)	
of the Navy,)	
)	
Defendant:)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was duly served upon the following persons by depositing said copy in the United States Mail, postage prepaid, on this date, as set forth below:

Clayton C. Ikei, Esq.
Jerry P.S. Chang, Esq.
1440 Kapiolani Blvd., Suite 1203
Honolulu, Hawaii 96814

Attorneys for Plaintiff
Ronald L. Obrey, Jr.

DATED: May 16, 2005, at Honolulu, Hawaii.

